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PATENT
Attorney Docket No. 223316
Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kasid et al.

Group Art Unit: 1635

Application No. 10/627,571

Examiner: Jon Ashen

Filed: July 25, 2003

For: ANTI-APOPTOTIC GENE SCC-S2 AND
DIAGNOSTIC AND THERAPEUTIC
USES THEREOF

INFORMATION DISCLOSURE STATEMENT

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Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
 - or*
 - the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith with the exception of Chin (March, 2002). A paper copy of the first 2 pages of the Chin reference is provided. The complete reference, which is approximately 10,000 pages, is provided on the enclosed CD-ROM, which is the format in which it was initially transmitted to us by a third party.
- Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- A copy of the foreign search report is enclosed herewith.

- The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- No fee is owed by the applicant(s).**
 The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.



In re Appln. of Kasid et al.
Application No. 10/627,571

Method of Payment of Fees

- Attached is a check in the amount of \$
 Charge Deposit Account No. 12-1216 in the amount of \$ (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

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Date: May 26, 2005

CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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May 26, 2005

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Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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Complete if Known

Application Number	10/627,571
Filing Date	July 25, 2003
First Named Inventor	Kasid et al.
Group Art Unit	1635
Examiner Name	Ashen, Jon Benjamin
Attorney Docket Number	223316

U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
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C E	4,399,216			Axel et al.	Aug. 16, 1983	
C F	4,551,433			DeBoer	Nov. 5, 1985	
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		Office	Application or Patent Number	Kind Code			Yes	No ⁺⁺
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EX	WO	90/03430	A1	Cetus Corporation	Apr. 5, 1990			
EY	WO	90/07936	A1	Chiron Corporation	Jul. 26, 1990			
EZ	WO	90/11092	A1	Vical, Inc.	Oct. 4, 1990			
FA	WO	91/00357	A1	Cayla	Jan. 10, 1991			X ⁺
FB	WO	91/02805	A2	Viagene, Inc.	Mar. 7, 1991			
FC	WO	91/10741	A1	Cell Genesys, Inc.	Jul. 25, 1991			
FD	WO	91/14445	A1	Research Development Foundation	Oct. 3, 1991			
FE	WO	92/05266	A2	Viagene, Inc.	Apr. 2, 1992			
FF	WO	92/10578	A1	Biooption AB	Jun. 25, 1992			
FG	WO	92/11033	A1	Arch Development Corporation	Jul. 9, 1992			
FH	WO	93/03769	A1	The United States of America, Department of Health and Human Services	Mar. 4, 1993			
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	G J	WO	02/059337	A1	Georgetown University School of Medicine	Aug. 1, 2002		
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G Y		ALVAREZ et al., <i>The Journal of Biological Chemistry</i> , 266(23), 15277-15285 (1991)		
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H I		BERNS et al., <i>Annals of The New York Academy of Sciences</i> , 772, 95-104 (1995)		
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Examiner Signature _____ **Date Considered** _____

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).